



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TJR

Docket No: 1819-00

25 August 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 9 August 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Navy on 2 March 1981 at the age of 17. Prior to your enlistment you submitted a written statement which noted that you had used illegal drugs approximately 10 times during the period from August 1978 to January 1981. At this time you were warned that any further drug use could result in an other than honorable discharge.

Your record reflects that you served for a year without incident but on 29 April 1982 you received nonjudicial punishment (NJP) for absence from your appointed place of duty and were awarded restriction for 30 days and a reduction in rate. The reduction was suspended for six months.

Your record further reflects that on 7 June 1983 you received NJP for use of marijuana and were awarded a \$642 forfeiture of pay and a reduction in rate. Shortly thereafter, on 22 June 1983, you received your third NJP for absence from your appointed place of duty. The punishment imposed was reduction to paygrade E-1, which was suspended for six months, and restriction and extra duty for four days.

Subsequently, you were processed for an administrative separation by reason of misconduct due to drug abuse. On 18 July 1983 your commanding officer recommended you be issued an other than honorable discharge by reason of misconduct due to drug abuse as evidenced by your positive urinalysis for cannabinal use on eight separate occasions between 14 June and 17 July 1983. The discharge authority approved this recommendation and directed your commanding officer to issue you an other than honorable discharge by reason of misconduct. On 4 August 1983 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity and your contention that you would like your discharge upgraded so that you may obtain veterans' benefits. The Board further considered your contention that you were unjustly discharged and assigned an RE-4 reenlistment code, both of which are preventing your reenlistment. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given the serious nature of your frequent drug related misconduct. Further, an individual separated by reason of misconduct must receive an RE-4 reenlistment code. Given all the circumstances of your case, the Board concluded your discharge and reenlistment code were proper as issued and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director